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REMARKS

This is a full and timely response to the outstanding Office Action mail January 28, 2003 and the Advisory Action mailed May 12, 2003. This Response constitutes a submission pursuant to 37 C.F.R. 1.114(c). Reconsideration and allowance of the application and presently pending claims as amended, are respectfully requested.

1. Present Status of Patent Application

Upon entry of the amendments in this response, claims 1-6, 10-19, 23-26, and 49 remain pending in the present application. More specifically, claims 1, 15, and 26 are amended and claim 49 is added herein. Claims 27-48 were previously withdrawn. These amendments and additions are specifically described hereinafter. It is believed that the foregoing amendments and additions add no new matter to the present application.

2. Response To Rejections**Response To Claim Rejections Under 35 U.S.C. Section 112, Second Paragraph**

In the Office Action mailed January 28, 2003, claim 26 has been rejected Under 35 U.S.C. Section 112, second paragraph as allegedly being indefinite "because is still unclear what exactly the scrim is made up of. It is the Examiner's interpretation that 'up to 95%' includes 0% by weight and therefore, all the recited fibers are option [sic]." *Office Action* at page 2. The Examiner stated that "[i]t is suggested that Applicant amend their claim to include that the 'nonwoven scrim comprises more than 0% by weight and up to 95% by weight of the scrim.'" (Emphasis supplied in original) *Office Action* at 2. Applicants have complied with Examiner's request and have amended the claims accordingly. Thus, Applicants respectfully request that this rejection be withdrawn.

Applicants wish to clarify that the foregoing amendment has been made for purposes of better defining the invention in response to the rejections made under 35 U.S.C. §112, and not in response to the rejections made based on prior art. Indeed, Applicants submit that no substantive limitations have been added to the claims. Therefore, no prosecution history estoppel arises from this amendment. *Black & Decker, Inc. v. Hoover Serv. Ctr.*, 886 F.2d 1285, 1295 n. 13 (Fed. Cir. 1989); *Andrew Corp. v. Gabriel Elecs., Inc.*, 847 F.2d 819 (Fed. Cir. 1988); *Hi-Life Prods. Inc.*

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4. Newly Added Claim 49

Claim 49 recites in part “a plurality of flame resistant fibers that are entangled with and enter through only one side of the nonwoven scrim....” Because the fibers are entangled with and enter only one side of the scrim, the arrangement of the fibers disposed within the scrim will be different than if the fibers were needled through both sides of the scrims. As indicated above, *Bailey, et al.* disclose needling the scrim to both sides of a sheet of paper, thereby stitching the threads through both sides of the scrim. Thus, the arrangement of the fibers of the composite of *Bailey, et al.* differs from the arrangement of the fibers in the fabric of claim 49.

Additionally, claim 49 recites in part that “the fibers are interlocked throughout the scrim, producing strength through entanglement and lending the scrim increased flame resistant properties.” Because *Bailey, et al.* do not interlock its threads throughout its scrim, the composite of *Bailey, et al.* does not anticipate at least these properties of the fabric of claim 49. Thus, Applicants respectfully submit that claim 49 is allowable.

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CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-6, 10-19, 23-26, and 49 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephone conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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